

REMARKS

By this amendment, claims 1, 10, 17, and 19 are amended to place this application in condition for allowance. Currently, claim 1-14, and 16-21 are before the Examiner for consideration on their merits.

Applicants' attorney wishes to thank Examiner Williams for his cooperation in reviewing a set of draft claim submitted for consideration. In review, Applicant proposed to revise claims 1 10, 17, and 19 to define the transmission as one that had more than one gear. Support for this amendment could be found in the specification on page 6, lines 15-20.

During an interview with Examiner Williams on September 19, 2005, the Examiner indicated that it appeared that the changes to claims 1, 10, and 17 distinguished the claims over the applied prior art. However, the Examiner also indicated that the changes to claim 19 did not distinguish over the Reis patent cited in the Office Action.

In light of the interview discussed above, this amendment is being submitted with the proposed changes to claims 1, 10, and 17, and an additional change to claim 19. The reasons for patentability are discussed below by the rejection and the arguments for the two groupings of claims.

REJECTION

In the outstanding Office Action, the Examiner rejected independent claims 1 and 17 based on the combination of Gruber and Larson. This rejection was based on the

position that Larson suggested an air-oil cooler, and that it would be obvious to use one in Graber, with Graber teaching the remaining elements of the claims.

Independent Claim 10 was rejected based on Graber, Larson and Ries. This rejection was made in response to the amendment that the pump was external to the brake assembly. The Examiner contended that Ries teaches an external pump and that it would be obvious to make the pump of Graber external.

Claim 19 stands based on Graber and Ries and the position that it would be obvious to make the pump in Graber external to the brakes given Reis teachings.

Regardless of the rejections, it is submitted that the amendments to the claims now place the application in condition for allowance.

CLAIMS 1, 10, and 17

It is submitted that amended claims 1, 10, and 17 are patentably distinct from the applied prior art on the grounds that there is no transmission with a plurality of gears as is now claimed. In the rejection, the Examiner has always taken the position that the solid link between the rotating shaft of Graber and the pump was the same as the claimed transmission. While this point was never conceded, it is now clear that Graber cannot be interpreted to teach a transmission with a plurality of gears for linking the pump to its source of power. Lacking such a teaching, the rejection must be withdrawn.

Moreover, there is no basis to conclude that Larson or any of the other prior art references supplies the deficiency pointed out above. Thus, there is no basis for the

Examiner to make another rejection under 35 U.S.C. § 103(a), and independent claims 1, 10, and 17 are now in condition for allowance.

CLAIM 19

Claim 19 is revised to define a means for disengaging the transmission from the pump. Support for this amendment can be found in numerous places throughout the specification. In fact, this feature is akin to that found in dependent claim 4. Since claim 4 has been deemed to contain allowable subject matter, it is argued that claim 19, as amended, is also patentably distinct from the combination of Larson and Ries. Larson quite clearly teaches a positive link between the shaft and pump, and there is absolutely no basis to assert that the invention could be somehow derived from their collective teachings. Thus, the rejection of claim 19 has been overcome and should be withdrawn.

SUMMARY

Applicant submits that the applied prior art fails to establish a *prima facie* case of anticipation and obviousness against the enumerated claims above, the rejections of record should be withdrawn, and claims 1-14 and 16-21 should be allowed.

Accordingly, the Examiner is respectfully requested to examine this application and pass it onto issuance.

The above constitutes a complete response to all issues raised in the Office Action of July 15, 2005.

If an interview would expedite the prosecution of this application, the Examiner is respectfully requested to telephone the undersigned at 202-835-1753.

Please also charge any shortage in fees due in connection with the filing of this paper, including extension of times fees to deposit account number 50-1088 and please credit any excess fees to such account.

Again, reconsideration and allowance of this application is respectfully solicited.

Respectfully submitted,

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